

BARBARA J. PARKER, City Attorney – SBN 069722
MARIA BEE, Chief Assistant City Attorney – SBN 167716
COLIN T. BOWEN Supervising Attorney – SBN 152489
JASON M. ALLEN, Deputy City Attorney – SBN 284432
One Frank H. Ogawa Plaza, 6th Floor
Oakland, California 94612
Telephone: (510) 238-3839, Fax: (510) 238-6500
Email: jallen@oaklandcityattorney.org
32372/2574583

Attorneys for Defendant
CITY OF OAKLAND and OAKLAND POLICE
DEPARTMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SINDY PADILLA, ENRIQUE MALDONADO
PETINO.

Case No.

Plaintiffs,

V.

OAKLAND POLICE DEPARTMENT, CITY OF OAKLAND, and DOES 1 to 30.

**DECLARATION OF JASON M. ALLEN
IN SUPPORT OF DEFENDANTS
OAKLAND POLICE DEPARTMENT
AND CITY OF OAKLAND'S NOTICE OF
REMOVAL**

Defendants.

I, Jason M. Allen, declare and state as follows:

1. I am a Deputy City Attorney with the Office of the City Attorney for the City Of Oakland, counsel for Defendants City of Oakland and Oakland Police Department (together, the "City") in the above-entitled matter. I am admitted to practice law in the State of California and before this Court. I have personal knowledge of the facts set forth below, and, if called upon to testify, I could and would competently testify thereto.

2. On April 24, 2018, Plaintiffs Sindy Padilla and Enrique Maldonado Petino filed an unverified Complaint against Defendants City of Oakland and the Oakland Police Department (together, the “City”) in the Superior Court of the State of California for the County of Alameda, entitled *Sindy Padilla, Enrique Maldonado Petino, Plaintiffs, v. Oakland Police Department, City of Oakland, and*

1 *Does 1 to 30, Defendants*, RG18902061 (the “State Court Action”). Pursuant to 28 U.S.C. § 1446(a), a
 2 true and correct copy of the Complaint is attached hereto as **Exhibit A**.

3 3. On April 30, 2018, the State Court Action was assigned to Judge Robert McGuiness, in
 4 Department 22 of the Superior Court of California, County of Alameda. A true and correct copy of the
 5 Notice of Assignment is attached hereto as **Exhibit B**. That same day, the Superior Court issued a
 6 Notice of Case Management Conference and Order, scheduling an initial case management conference
 7 for September 10, 2018. A true and correct copy of that Notice of Case Management Conference and
 8 Order is attached hereto as **Exhibit C**.

9 4. On June 15, 2018, the City filed a Declaration In Support of Automatic Extension Under
 10 California Code of Civil Procedure section 430.41. A true and correct copy of that Declaration is
 11 attached hereto as **Exhibit D**.

12 5. On July 16, 2018, the City demurred to Plaintiffs’ complaint. True and correct copies of
 13 the moving papers related to the City’s demurrer are attached hereto as **Exhibit E**.

14 6. On August 15, 2018, the City filed a Declaration in Lieu of a Reply In Support of the
 15 City’s Demurrer. A true and correct copy of that Declaration is attached hereto as **Exhibit F**.

16 7. On August 22, 2018, Plaintiffs filed an Opposition to the City’s Demurrer. A true and
 17 correct copy of that Opposition is attached hereto as **Exhibit G**.

18 8. On August 23, 2018, the Superior Court took the City’s demurrer under submission. A
 19 true and correct copy of the Court’s minutes and order taking the City’s demurrer under submission is
 20 attached hereto as **Exhibit H**.

21 9. On August 24, 2018, the Superior Court, Judge Harry Jacobs, issued an order sustaining
 22 the City’s demurrer but granting Plaintiffs leave to amend. A true and correct copy of the order
 23 sustaining the City’s demurrer is attached hereto as **Exhibit I**.

24 10. On August 24, 2018, the City filed a case management statement. A true and correct copy
 25 of the City’s case management statement is attached hereto as **Exhibit J**.

26 11. On September 5, 2018, Plaintiffs filed a case management statement. A true and correct
 27 copy of Plaintiff’s case management statement is attached hereto as **Exhibit K**.

28 12. On September 7, 2018, Plaintiffs filed and served their First Amended Complaint

(“FAC”). In their FAC, Plaintiffs allege, for the first time, a claim against the City under 42 U.S.C. § 1983. A true and correct copy of the FAC, including the accompanying proof of service, is attached hereto as **Exhibit L**.

13. The Superior Court held a case management conference on September 10, 2018. A true and correct copy of the minutes from that case management conference is attached hereto as **Exhibit M**. At that case management conference, the Superior Court issued an order scheduling a further case management conference for November 13, 2018. A true and correct copy of the case management order issued on September 10, 2018, is attached hereto as **Exhibit N**.

14. On September 25, 2018, the City filed a Declaration In Support of Automatic Extension Under California Code of Civil Procedure section 430.41. A true and correct copy of that Declaration is attached hereto as **Exhibit O**.

15. The documents attached as Exhibits A through O hereto constitute all of the pleadings and process that the City has retrieved from the Superior Court's record prior to the filing of this notice of removal.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 9th day of October 2018 at Oakland, California.

/s/ Jason M. Allen
Jason M. Allen